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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ABBOTT, YVONNE RENEE	

ART UNIT	PAPER NUMBER
3644	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/673,452	KORBITZ ET AL.	
	Examiner	Art Unit	
	Yvonne R. Abbott	3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11 and 14-18* is/are rejected.

7)☒ Claim(s) *12,13,19 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/16/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (6,232,880). Anderson et al. disclose an apparatus and method for training animals comprising providing a portable master control unit with a first telemetry transmitter/receiver, a display and a first GPS receiver all connected to and responsive to a first CPU having a memory; providing a collar (10) carrying a second telemetry transmitter/receiver, a second GPS receiver and an electrical feed back stimulus generator which includes electric shock circuits, each connected to and responsive to a second CPU (in the collar) having a memory; affixing the collar to an animal; setting a first boundary defining a first restraint area within which the animal is permitted to travel and storing the first boundary in the collar CPU memory; detecting a first collar location using the collar GPS receiver, and comparing the collar location to

the first boundary; actuating the collar feedback stimulus if the collar location is outside the first boundary; setting a second boundary defining a second restraint area within which the animal is permitted to travel and storing the second boundary in the collar CPU memory, the second restraint area being different than the first restraint area; detecting a second collar location using the collar GPS receiver, and comparing the collar location to the first boundary; and actuating the collar feedback stimulus if the second collar location is outside the second boundary (col. 12, lines 43-67; col. 13, lines 1-27; col. 14, lines 1-47; claim 9).

3. Claims 1-4, 9-11, 15, 16 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Touchton et al. (6,700,492). Touchton et al. disclose an apparatus and method for training animals comprising providing a portable master control unit with a first telemetry transmitter/receiver, a display and a first GPS receiver all connected to and responsive to a first CPU having a memory; providing a collar carrying a second telemetry transmitter/receiver, a second GPS receiver and an electrical feed back stimulus generator which includes electric shock circuits or an audible signal, each connected to and responsive to a second CPU (in the collar) having a memory; affixing the collar to an animal; setting a first boundary defining a first restraint area within which the animal is permitted to travel and storing the first boundary in the collar CPU memory; detecting a first collar location using the collar GPS receiver, and comparing the collar location to the first boundary; actuating the collar feedback stimulus if the collar location is outside the first boundary; setting a second boundary defining a

second restraint area within which the animal is permitted to travel and storing the second boundary in the collar CPU memory, the second restraint area being different than the first restraint area; detecting a second collar location using the collar GPS receiver, and comparing the collar location to the first boundary; and actuating the collar feedback stimulus if the second collar location is outside the second boundary wherein the portable controller may be moved from a location in the first restraint area to an area in the second restraint area to determine GPS coordinates of the location within the second restraint area, and additionally setting a third boundary defined a different third restraint area to be stored in the collar CPU memory, detecting a third collar location using the GPS system, comparing this location to the third boundary, and actuating a stimulus if the third collar location is outside the third boundary; wherein additional boundaries (110) may be defined to create further exclusion areas (col. 1, lines 64-67; col. 2, lines 1-21; col. 5, lines 9-22); and wherein several animals may be equipped with independently addressable transceivers (col. 7, lines 21-37).

4. Claims 1 and 4-8, and 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Dalland et al. (6,581,546). Dalland et al. disclose an apparatus and method for training animals comprising providing a portable master control unit with a first telemetry transmitter/receiver, a display and a first GPS receiver all connected to and responsive to a first CPU having a memory; providing a collar carrying a second telemetry transmitter/receiver, a second GPS receiver and an electrical feed back stimulus generator which includes electric shock circuits and audible voice commands,

each connected to and responsive to a second CPU (in the collar) having a memory; affixing the collar to an animal; setting a first boundary defining a first restraint area within which the animal is permitted to travel and storing the first boundary in the collar CPU memory; detecting a first collar location using the collar GPS receiver, and comparing the collar location to the first boundary; actuating the collar feedback stimulus if the collar location is outside the first boundary; setting a second boundary defining a second restraint area within which the animal is permitted to travel and storing the second boundary in the collar CPU memory, the second restraint area being different than the first restraint area; detecting a second collar location using the collar GPS receiver, and comparing the collar location to the first boundary; and actuating the collar feedback stimulus if the second collar location is outside the second boundary; wherein the user defines the perimeter by programming "waypoints" (positions on the perimeter) into the collar; and the system provides an audible warning when the animal is within a user programmable distance of the perimeter, and then provides an adjustable correction, such as an electrical impulse to the animal when the perimeter boundaries are exceeded; wherein the perimeter may be defined as triangular, circular, oval, etc; wherein setting the waypoints of the boundary entail sensing the GPS coordinates of the collar while carrying the collar along a desired boundary line, and setting the boundary to be coextensive with said desired boundary line (col. 6, lines 19-37; col. 12, lines 10-45)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Touchton et al. in view of Dalland et al. Although Touchton et al. teach that audible signals (col. 7, line 15-16) could be used as the stimulus, it is not disclosed that the audible signal comprises specific voice commands. Dalland et al. teach an animal confinement system wherein the audible sound can be the voice of the animal's owner giving a verbal command "NO" or "RETURN" or an equivalent. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide that the audible signal of the Touchton et al. system is a verbal command such as sit, come stay retrieve, flush, no, or return as taught by Dalland et al. that animal's trained to respond to such commands would react accordingly even though the signal is transmitted remotely.

Allowable Subject Matter

7. Claims 12, 13, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne R. Abbott whose telephone number is (703)308-2866. The examiner can normally be reached on Mon-Thurs 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teri Luu can be reached on (703)305-7421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yvonne R. Abbott
Primary Examiner
Art Unit 3644

9/29/04